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**Testimony of
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***Proposed House Bill No. 5066*
An Act Concerning Drug-Related Activity by Tenants in Public Housing**

**Housing Committee Public Hearing
February 19, 2013**

The Office of Chief Public Defender opposes *Proposed House Bill No. 5066, An Act Concerning Drug-Related Activity by Tenants in Public Housing*. This proposed bill is unnecessary as current law already provides procedures for eviction based on drug-related behavior. In addition, this bill proposes unnecessary harsh penalties on entire families, including children, regardless of whether they had knowledge of illegal drug activity taking place in their residence. As a result, passage of this proposed bill would have significant collateral consequences for individuals, including children and families. Many of Connecticut's poorest families are living in multigenerational households in our public housing facilities. This proposal will potentially make an entire family homeless due to the actions of one person who may or may not be a family member. Parents, grandparents, siblings and friends and acquaintances can be evicted under this proposal even if they committed no illegal act based upon another's action.

Drug related criminal activity is not defined in this proposal so it is unknown whether such activity is conduct that has resulted in an arrest or a conviction. In addition, it is not clear whether such drug activity may include offenses that are violations or infractions. For example, possession of less than ½ ounce of marijuana is a violation punishable by payment of a fine and possession of paraphernalia for use of less than ½ ounce of marijuana is an infraction also punishable by payment of a fine.

Also, the bill proposes eviction for such drug related criminal activity regardless of whether it occurs on or off public housing property. The statutes already provide for enhanced mandatory minimum sentences which are required to be imposed consecutively to any sentence imposed for drug possession, possession with intent to sell or possession of drug paraphernalia, or drugs, if the person was within 1500 feet of public housing, schools and daycare facilities. Pursuant to this proposal, an entire family could be evicted if the offender is arrested outside the jurisdiction where the family resides in public housing. In addition, an entire family could be evicted if the offender had been a onetime guest, arrested and/or convicted and subsequently incarcerated for a lengthy period of time, and who never returns to the public housing site again.

Passage of this bill will result in families and children being displaced and disrupted. Arrested persons and entire families will become homeless if evicted. As a result, the families who become homeless are more likely to face intervention by the Department of Children and Families and will be at risk of having children removed and placed in state custody, due to the lack of a stable place to live even though the families were not the offender. Punishment should not be meted out so that innocent individuals and children become homeless.

The collateral consequences that will result from passage of this bill are staggering and this office urges rejection.